

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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LINDA PERKINS-MOORE, ESQ.,

Plaintiff,

v

No. 21-10929

Judge Stephanie Dawkins Davis

CITY OF DETROIT a Municipal Corporation,  
POLICE CHIEF JAMES CRAIG, INV. SAMUEL  
QUICK, INV. MAKEEBA JAMES, INV LAWRENCE  
AKBAR, SGT. MEGAN GASSAWAY-WALLS  
#s-535, LT. GERALDINE Atkinson #0024, OFC  
TIMOTHY VERNON #4431 and OFC DONALD  
ROSS #4064

Defendants.

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**DEFENDANT INV. SAMUEL QUICK'S ANSWER TO PLAINTIFF'S  
COMPLAINT AND RELIANCE ON JURY DEMAND**

NOW COMES Defendants by and through their attorneys of record, City of Detroit Law Department, and, for their Answer, states as follows:

## **INTRODUCTORY AND JURISDICTIONAL STATEMENTS**

1. Denied as untrue.

## **PARTIES AND VENUE**

2. Defendant incorporates all preceding paragraphs as if fully set forth herein.

3. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

4. Admitted.

5. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

6. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

7. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

8. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

9. Defendant denies as untrue that Defendants caused injury to the Plaintiff.

With regard to the remaining allegation, Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

10. Denied as untrue.

11. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

12. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

13. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

14. Defendant incorporate all preceding paragraphs as if fully set forth herein.

15. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

16. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

17. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

18. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

19. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

20. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

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24. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

25. Defendant neither admit nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

26. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

27. Denied as untrue.

28. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

29. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

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32. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

33. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

34. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

35. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

36. Defendant neither admits nor denies the allegations of the corresponding paragraph of the complaint because he lacks knowledge or information sufficient to form a belief as to the truth thereof.

37. Denied as stated. Defendants affirmatively aver that the Plaintiff began screaming obscenities.

38. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

39. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

40. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

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56. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

57. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

58. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

59. Denied as untrue.

60. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

61. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

62. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

63. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

64. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

65. Denied as untrue.

#### **COUNT I – GROSS NEGLIGENCE**

66. Defendant incorporates all preceding paragraphs as if fully set forth herein.

67. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

68. Denied as untrue.

69. Denied as untrue.

70.Denied as untrue.

**COUNT II – ASSAULT AND BATTERY**

71.Defendant incorporates all the preceding paragraphs as if fully set forth herein.

72.Denied as untrue.

73.Denied as untrue.

74.Denied as untrue.

75.Denied as untrue.

**COUNT III – FALSE ARREST AND IMPRISONMENT**

76.Defendant realleges each preceding paragraph as if more fully stated herein.

77.Denied as untrue.

78.Denied as untrue.

79.Denied as untrue.

**COUNT IV – 42 USC 1983 AGAINST THE INDIVIDUAL DEFENDANTS, 14AM RACIAL ANIMUS/DENIAL OF EQUAL PROTECTION CLAUSE, DUE PROCESS, FAILURE TO INTERCEDE, UNREASONABLE SEARCH/SEIZURE, EXCESSIVE FORCE**

80.Defendant realleges each preceding paragraph as if more fully stated herein.

81.Denied as untrue.

82.Denied as untrue.

83.Denied as untrue.

84. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

85. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

86. Denied as untrue.

87. Denied as untrue.

88. Denied as untrue.

89. Denied as untrue as there were no constitutional violations.

90. Denied as untrue.

91. Denied as untrue.

92. Denied as untrue.

#### **COUNT V – 42 USC 1983 AGAINST THE CITY OF DETROIT**

93. Defendant incorporates all preceding paragraphs as if fully set forth herein.

94. Defendants neither admit nor deny the allegations of the corresponding paragraph of the complaint because they lacks knowledge or information sufficient to form a belief as to the truth thereof.

95. Denied as untrue.

96. Denied as untrue.

97. Denied as untrue.

98. Denied as untrue.

99. Denied as untrue.

100. Denied as untrue.

101. Denied as untrue.

102. Denied as untrue.

103. Denied as untrue.

104. Denied as untrue.

**COUNT VI – SUPERVISORY LIABILITY AGAINST CHIEF CRAIG,  
INV QUICK, INV JAMES, INV AKBAR, SGT. GASSAWAY-WALLS,  
LT. ATKINSON**

105. Defendant incorporates all preceding paragraphs as if fully set forth  
herein.

106. Denied as untrue.

107. Denied as untrue.

108. Denied as untrue.

**COUNT VII – INTENTIONAL INFILCTION OF EMOTIONAL  
DISTRESS**

109. Defendant incorporates all preceding paragraphs as if fully set forth  
herein.

110. Denied as untrue.

111. Denied as untrue.

## **DAMAGES**

112. Defendant incorporates all preceding paragraphs as if fully set forth herein.

113. Denied as untrue.

**WHEREFORE IT IS RESPECTFULLY** demanded that judgment of no cause of action be entered herein, or in the alternative, that the said cause be dismissed, with prejudice, and costs and attorney fees awarded to the Defendants.

Respectfully submitted

/s/ Cheryl L. Ronk  
Cheryl L. Ronk (P54897)  
Senior Assistant Corporation Counsel  
City of Detroit Law Department  
Coleman A. Young Municipal Center  
2 Woodward Avenue, Suite 500  
Detroit, Michigan 48226

Dated: April 27, 2021

## **AFFIRMATIVE DEFENSES**

Defendants state the following affirmative defenses.

1. Governmental immunity and or qualified immunity renders Defendants immune to Plaintiff's claims.
2. The Plaintiff has failed to state a claim against Defendants upon which relief

can be granted.

3. Plaintiff's claims are barred, in whole or in part, by the lapsing of the applicable statute(s) of limitations.
4. Plaintiff failed to mitigate his damages.
5. At all relevant times Defendants acted with objective good faith.
6. Any injury suffered by the Plaintiff was proximately caused by her own conduct and/or the conduct of third parties.
7. The detainment of the Plaintiff was supported by probable cause, exigent circumstances and or a valid warrant.
8. Defendants are protected from liability on the Plaintiff's claims by governmental immunity. Defendant officers acted in good faith, without malice, within the scope of their employment and were performing a discretionary function. As such, Defendant officers are immune as to all state intentional torts.
9. To the extent, if any, that these Defendants or anyone acting at the direction of or in concert with these Defendants used force against the plaintiff, each such use of force was privileged and lawful because the force was reasonably applied in the execution of a lawful arrest, in the lawful performance of other police duties or in self defense.
10. Defendants did not act so recklessly as to demonstrate a substantial lack of

concern for whether an injury would result; and Defendants' conduct was not the one most direct and immediate cause of the injury or damage, if any. MCL 691.1407(2).

11. Defendants did not intend to inflict emotional distress on Plaintiff, their conduct was not extreme and outrageous and they have no liability to Plaintiff because they did no more than act as they legally were entitled to.
12. Plaintiff has failed to allege that Defendants' conduct in support of was motivated by discriminatory animus.
13. Plaintiff has no viable 14<sup>th</sup> Amendment claims because all claims for false arrest, malicious prosecution and excessive force brought under the Federal Civil Rights Act (42 USC §1983) must be brought under the 4<sup>th</sup> Amendment pursuant Albright v. Oliver, 510 U.S. 266; 127 L.Ed2d 114; 114 S.Ct. 807 (1994); Spurlock v. Satterfield, 167 F.3d 995, 1006 (6<sup>th</sup> Cir. 1996).
14. The City of Detroit did not have or otherwise adopt any customs, policies and/or procedures which caused or otherwise were the moving force behind any constitutional violations alleged in plaintiff's complaint, nor did any such alleged customs, policies and/or procedures originate from a decision maker with final policy making authority. Further, the City of Detroit did not ratify, accept and/otherwise condone any constitutional violations alleged in plaintiff's complaint. Finally, the City of Detroit did not act with deliberate

indifference as to known or obvious consequences with respect to the activities alleged in plaintiff's complaint and/or as to any constitutional violations, nor is there any widespread practice of constitutional violations and/or failure to take corrective action regarding the same.

15. Michigan tort reform statutes have abolished joint and several liability.
16. To the extent, if any, that the police officers or anyone acting at the direction of or in concert with the police officers used force against the Plaintiff, each such person acted in self-defense and/or defense of others.
17. To the extent, if any, that the police officers or anyone acting at the direction of or in concert with the police officers used force against the Plaintiff, each such use of force was privileged and lawful because the force was reasonably applied in the execution of a lawful arrest or in the lawful performance of other police duties.
18. This Defendant did not have or otherwise adopt any customs, policies and/or procedures which caused or otherwise were the moving force behind any constitutional violations alleged in the Plaintiff's Complaint, nor did any such alleged customs, policies and/or procedures originate from a decision maker with final policy making authority. Further, this Defendant did not ratify, accept and/otherwise condone any constitutional violations alleged in the Plaintiff's Complaint. Finally, this Defendant did not act with deliberate

indifference as to known or obvious consequences with respect to the activities alleged in the Plaintiff's Complaint and/or as to any constitutional violations, nor is there any widespread practice of constitutional violations and/or failure to take corrective action regarding the same.

**RESERVATION OF ADDITIONAL DEFENSES**

Defendants in the above captioned matter, by and through counsel reserve the right to assert and file any affirmative and special defenses which may become known by discovery proceedings in accordance with the rules and practices of this Court. Further, Defendants do not waive any deficiency or omission in any pleadings filed by any other party to this suit regardless of when filed.

**RELIANCE ON JURY DEMAND**

Defendants hereby relies on the Plaintiff's prior jury demand in this matter on all issues so triable.

Respectfully submitted

/s/ Cheryl L. Ronk  
Cheryl L. Ronk (P54897)  
Assistant Corporation Counsel  
City of Detroit Law Department  
Coleman A. Young Municipal Center  
2 Woodward Avenue, Suite 500  
Detroit, Michigan 48226

Dated: 5/20/21

